

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB285

Hearing Date: Wednesday March 18, 2009
Committee On: Judiciary
Introducer: Pirsch
One Liner: Change Sex Offender Registration Act provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert

Nay:

Absent:

Present Not Voting:

Proponents:

Sen. Pete Pirsch
Bryan Tuma
Danielle Gieselman

Representing:

Introducer
Nebraska State Patrol
self

Opponents:

Robert Creager

Representing:

NCDAA

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 285 would amend the Sex Offender Registration Act to bring Nebraska law into compliance with federal guidelines. On July 27, 2006, President Bush signed the Adam Walsh Child Protection and Safety Act of 2006. The purpose of the federal law is to provide for a more comprehensive, nationalized system for registration of sex offenders. Title 1 of the Act establishes the Sex Offender Registration and Notification Act (SORNA) which outlines a comprehensive set of minimum registration and notification standards for sex offenders. The National Sex Offender Registry will be maintained at the FBI by the US Attorney General.

The Adam Walsh Act calls for states to be in substantial compliance with the minimum standards of SORNA by July 27, 2009, including information that must be collected, duration of registration requirements for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required. Nebraska is subject to mandatory 10% reduction in Byrne Justice Assistance Grant funding each year there is not substantial implementation of SORNA.

Under LB 285, the length of registration would be based solely on the convicted offense. There would be a 15-year registration requirement for offenses not punishable by imprisonment for more than 1 year. An offender subject to a 15-year registration would be eligible to apply to State Patrol for "Clean Record" consideration if, after ten years: there was no conviction of sex offense or offense punishable by more than one year imprisonment; there was successful completion of probation, parole, or supervised release, and there was successful completion of appropriate sex offender treatment program. There would be a 25-year registration requirement for offenses punishable by imprisonment greater

than 1 year or for two or more registry offenses that are not punishable by imprisonment for more than one year. There would be a lifetime registration requirement for prior sex offense conviction, aggravated offense, or lifetime registration in another jurisdiction.

Under LB 285, the list of registry offenses would be expanded to include: incest, unlawful intrusion, sexually related child abuse offenses, sexual assault of an inmate or protected adult and sexually motivated offenses. The new registry and notification requirements would apply retroactively to all sex offense convictions entered on or after January 1, 1997.

Under LB 285, the amount of information collected upon registration would be expanded to include: all residency, employment and vehicle information; travel/immigration documents; all professional license information; computer/Internet identifiers & addresses; cell phone numbers; digital fingerprints and palm prints; a digital photograph; and a DNA sample.

Under LB 285, registry information would have to be verified in-person and more frequently. A 15-year registrant would have to verify his or her information annually. A 25-year registrant would have to verify his or her information every six months. A lifetime registrant would have to verify his or her information every three months.

Under LB 285, the initial registration would have to occur within three working days after becoming subject to the act as opposed to the current five day requirement. The Nebraska State Patrol would designate locations to accept the initial registration at facilities that have equipment necessary to obtain digital fingerprints, palm prints, and a photograph.

Under LB 285, verifications and status changes must be reported to County Sheriff within three working days before the change as opposed to the current requirement to report within five days after. The registrants would be required to maintain updated information within the county he or she resides, has a temporary domicile, has a habitual living location, works, or attends school. The Sheriff would submit the information to State Patrol the same day. There would be public notification on all registrants as opposed to the current requirement for public notification based on risk assessment. A violation of the registry requirement and instances when the registrant cannot be located would be reported to the U.S. Marshal Service and an arrest warrant would be sought.

Explanation of amendments:

Committee Amendment AM 774 would address the retroactive application of the new registry and notification requirements to the expanded list of registry offenses. The amendment would separate the new offenses from the current list of registry offenses into a new subsection and make them subject to the Sex Offender Registration Act from the effective date of the act onward. The amendment also strikes language that was added to the original bill by mistake.

Brad Ashford, Chairperson